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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Hitoshi SAITO

Group Art Unit: 2822

Serial No.: 10/647,427

Examiner: Mark V. Prenty

Filed: August 26, 2003

Confirmation No.: 2799

For: SEMICONDUCTOR DEVICE AND METHOD OF FABRICATING THE
SAME

Attorney Docket No.: 030974
Customer Number: 38834

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

May 24, 2004

Sir:

This paper is submitted in response to the Official Action dated May 5, 2004.

In the Action, restriction is required between Group (I), Claims 1-3 and 26-28; and Group (II), Claims 4-25.

Applicant hereby elects the subject matter of Group (II), Claims 4-25 for prosecution in this application. This election is made without traverse, and it is understood that Applicant's rights to the filing of a divisional application directed to the non-elected subject matter under 35 U.S.C. §120 and 35 U.S.C. §121 are retained.

Response to Restriction Requirement
Attorney Docket No. 030874
Serial No. 10/647,427

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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